

REMARKS

The present Office Action mailed February 7th, 2006 alleges that the present Application contains two distinct inventions. As such, the Examiner has required Applicant to elect a single invention for prosecution on the merits. Specifically, the Examiner has required Applicant to elect between a first Group I recited in Claims 1-8 and 17-20 and a second Group II recited in Claims 9-16.

ELECTION

Applicant elect without prejudice the first Group I, recited in Claims 1-8 and 17-20.

CLAIM REJECTIONS

35 U.S.C §112 Rejections

Claim 1 is rejected under 35 U.S.C. 112, second paragraph. The Examiner alleges Claim 1 as being incomplete for omitting essential elements. The Examiner further alleges that such omission amounting to a gap between the elements. Applicant respectfully submits that body of currently amended independent Claim 1 supports the preamble of currently amended independent Claim 1, and as such, Claim 1 overcomes the Examiner's prior basis for rejection under 35 U.S.C. 112.

35 U.S.C §101 Rejections

Claims 1 and 17 are rejected under 35 U.S.C. 101. The Examiner alleges that the claimed invention is directed towards non-statutory matter. Applicant respectfully submits that currently amended independent Claims 1 and 17 are directed towards statutory matter, and as such, overcome the Examiner's prior basis for rejection under 35 U.S.C. 101.

35 U.S.C. §103 Rejections

Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgane (US 6411622), herein after referred to as Ohgane, in view of Chida (US6760369), herein after referred to as Chida, and further in view of Abbey (US 6438187), herein after referred to as Abbey.

Examiner is respectfully directed to currently amended independent Claim 1, which recites that an embodiment of the present invention is directed to a method for resolving timeout condition ambiguity in a counter subject to wraparound, comprising:

- obtaining a first time value associated with a first event;
- obtaining a second time value associated with a second event;
- adding said second time value and an offset to produce a sum;
- subtracting said first time value from said sum to produce a difference;
- masking leading bits of said difference to produce a masked difference;

and

performing a single compare operation between said masked difference and an expiration value, to resolve said timeout condition ambiguity associated with said counter.

Currently amended independent Claims 17 recites similar limitations to currently amended independent Claim 1. Claims 1-8 depend from currently amended independent Claim 1 and recite further limitations of the claimed invention. Claims 18-20 depend from currently amended independent Claim 17 and recite further limitations of the claimed invention.

Applicant respectfully submits that Ohgane does not teach or suggest, either expressly or inherently the limitations recited in currently amended independent Claim 1. The Ohgane reference does not teach "obtaining a first time value associated with a first event; obtaining a second time value associated with a second event; adding said second time value and an offset to produce a sum; subtracting said first time value from said sum to produce a difference; masking leading bits of said difference to produce a masked difference; and performing a single compare operation between said masked difference and an expiration value, to resolve said timeout condition ambiguity associated with said counter." as claimed. Specifically, nowhere in the Ohgane reference does it teach subtracting a first time value from the sum to produce a difference.

In addition, Applicant respectfully submits that Chida does not overcome the deficiencies of Ohgane disclosed above. The Chida reference does not teach “obtaining a first time value associated with a first event; obtaining a second time value associated with a second event; adding said second time value and an offset to produce a sum; subtracting said first time value from said sum to produce a difference; masking leading bits of said difference to produce a masked difference; and performing a single compare operation between said masked difference and an expiration value, to resolve said timeout condition ambiguity associated with said counter.” as claimed.
(emphasis added) as claimed.

Applicant understands the Chida reference to be directed towards changing a transfer amount of transmission data, to be transferred to an external device in each packet, in accordance with the reception speed of the transmission data. (column 1, lines 53–60) Chida, in one example, as pointed out by the Examiner, mentions subtracting transfer time from an inter-start time. In Chida, the term inter-start time is defined as the sum of transfer time and waiting time. Transfer time refers to the time required for transfer and waiting time refers to an end of a certain data transfer to the start of a subsequent data transfer. (column 10, lines 40–57) In contrast, with regards to the present invention, a first time value refers to a first event associated with a packet and a second time value refers to a second event associated with the packet. Consequently, Ohgane, alone or in combination with

Chida does not anticipate or render obvious the embodiments of the Applicant's inventions as disclosed in currently amended independent Claim 1.

In addition, Applicant respectfully submits that Ohgane, alone or in combination with Abbey does not overcome the deficiencies of Ohgane disclosed above. The Abbey reference does not teach "obtaining a first time value associated with a first event; obtaining a second time value associated with a second event; adding said second time value and an offset to produce a sum; subtracting said first time value from said sum to produce a difference; masking leading bits of said difference to produce a masked difference; and performing a single compare operation between said masked difference and an expiration value, to resolve said timeout condition ambiguity associated with said counter." as claimed.

Consequently, Ohgane, alone or in combination with Chida and further in view of Abbey does not anticipate or render obvious the embodiments of the Applicant's inventions as disclosed in currently amended independent Claims 1 and 17.

Therefore, the Applicant respectfully contends that the claimed embodiments of the invention as set forth in Claims 1 and 17 are in condition for allowance.

Accordingly, Applicant respectfully submits that Ohgane, alone or in combination with Chida, and/or Abbey do not anticipate or render obvious the present claimed invention as is recited in Claims 1 and 17, and as such, Claims 1 and 17 are in condition for allowance. Also, Claims 2-8 dependent on currently amended

independent Claim 1 and Claims 18-20 dependent on currently amended

independent Claim 17 overcome the Examiner's prior basis for rejection under 35

U.S.C. 103(a) as being dependent on allowable base claims.

SUMMARY

In view of the foregoing remarks, the Applicant respectfully submits that the pending claims in the instant patent application are in condition for allowance. The Applicant respectfully requests reconsideration of the Application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact James Hao at the below listed phone number.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: 4/27, 2006



James Hao

Address:

Registration No. 36,398
Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060 Voice
(408) 938-9069 Facsimile

Telephone: